

**SIDNEY JEROME PATTON,**

**Petitioner,**

**v.**

**JENNIFER LANGLEY,**

**Respondent.**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on February 8, 2006, was served on the parties in this action. Petitioner filed a “motion for relief from judgment” [Pleading No. 4] which will be construed as objections to the Recommendation.

**IT IS THEREFORE ORDERED** that Petitioner’s petition for writ of habeas corpus [Pleading No. 1] be dismissed without prejudice due to Petitioner’s failure to apply to the Fourth Circuit Court of Appeals for an order authorizing this district to consider the current

petition as is required by 28 U.S.C. § 2244. A judgment dismissing this action will be entered contemporaneously with this Order.

This the day of September 19, 2007

/s/ N. Carlton Tilley, Jr.  
United States District Judge